IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.14531-M of 2007

Date of Decision: 24.4.2007

Bhagwant Singh

....Petitioner.

Versus

State of Punjab and others.

...Respondents.

Present:- Mr.R.S.Bains,Advocate
for the petitioner.

Mr.IPS Sidhu, Sr. DAG Punjab.

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S.S.SARON, J.(ORAL)

Heard learned counsel for the parties.

The allegations against the petitioner in the charge report (Annexure P-6) are that he had in his possession 55 live cartridges and AK-47 rifle and a pencil bomb.

Learned counsel for the petitioner has contended that the petitioner was infact picked up by the police on 19.11.2005 i.e. the day before the registration of the FIR on 20.11.2005. It is further submitted that in this regard the Panchayat recorded proceedings on 19.11.2005 (Annexure P-3), besides telegram (Annexure P-4) was sent to the DGP Punjab stating that the petitioner had been taken away by the police on 19.11.2005. Therefore, it is contended that the entire prosecution case is cooked up.

In response learned counsel for the State has submitted that out of four accused in the case two have been declared proclaimed offenders. It is further submitted that even though Sher Singh, PW3, has resiled from his

statement. However, the other witness namely Gurdev Singh is yet to be examined and the case is fixed for recording his statement on 7.5.2007. Apart from Gurdev Singh, it is stated that about three more witnesses remain to be examined and the prosecution shall make every effort and endeavour to ensure that the witnesses are present before the trial Court on 7.5.2007 so that their statements may be recorded.

In view of the afore-said facts and circumstances and keeping in view the fact that the case is at the fag end of its trial, it would be improper to extend the concession of bail, at this stage.

Consequently, the criminal miscellaneous application is dismissed. However, the prosecution shall ensure that all the witnesses are present before the trial Court on the date fixed i.e. 7.5.2007 and the trial Court shall also make every endeavour to record their statements on the said date. The trial Court shall also make every effort to conclude the trial as expeditiously as possible.

(S.S.SARON)
JUDGE

April 24,2007
Reema